

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Circuit Courts Act is amended by changing  
5 Sections 2, 2f-1, 2f-2, 2f-4, and 2f-5 as follows:

6 (705 ILCS 35/2) (from Ch. 37, par. 72.2)

7 Sec. 2. Circuit judges shall be elected at the general  
8 elections and for terms as provided in Article VI of the  
9 Illinois Constitution. Ninety-four circuit judges shall be  
10 elected in the Circuit of Cook County and 3 circuit judges  
11 shall be elected in each of the other circuits, but in circuits  
12 other than Cook County containing a population of 230,000 or  
13 more inhabitants and in which there is included a county  
14 containing a population of 200,000 or more inhabitants, or in  
15 circuits other than Cook County containing a population of  
16 270,000 or more inhabitants, according to the last preceding  
17 federal census and in the circuit where the seat of State  
18 government is situated at the time fixed by law for the  
19 nomination of judges of the Circuit Court in such circuit and  
20 in any circuit which meets the requirements set out in Section  
21 2a of this Act, 4 circuit judges shall be elected in the manner  
22 provided by law. In circuits other than Cook County in which  
23 each county in the circuit has a population of 475,000 or more,  
24 4 circuit judges shall be elected in addition to the 4 circuit  
25 judges provided for in this Section. In any circuit composed of  
26 2 counties having a total population of 350,000 or more, one  
27 circuit judge shall be elected in addition to the 4 circuit  
28 judges provided for in this Section.

29 Any additional circuit judgeships in the 19th and 22nd  
30 judicial circuits resulting by operation of this Section shall  
31 be filled, if at all, at the general election in 2006 only as  
32 provided in Section 2f-1. Thereafter, however, this Section

1 shall not apply to the determination of the number of circuit  
2 judgeships in the 19th and 22nd judicial circuits. The number  
3 of circuit judgeships in the 19th judicial circuit shall be  
4 determined thereafter in accordance with Section 2f-1 and  
5 Section 2f-2 and shall be reduced in accordance with those  
6 Sections. The number of circuit judgeships in the 22nd judicial  
7 circuit shall be determined thereafter in accordance with  
8 Section 2f-1 and Section 2f-5 and shall be reduced in  
9 accordance with those Sections.

10 Notwithstanding the provisions of this Section or any other  
11 law, the number of at large judgeships of the 12th judicial  
12 circuit may be reduced by one or 2 judgeships as provided in  
13 subsection (a-10) of Section 2f-4.

14 The several judges of the circuit courts of this State,  
15 before entering upon the duties of their office, shall take and  
16 subscribe the following oath or affirmation, which shall be  
17 filed in the office of the Secretary of State:

18 "I do solemnly swear (or affirm, as the case may be) that I  
19 will support the constitution of the United States, and the  
20 constitution of the State of Illinois, and that I will  
21 faithfully discharge the duties of judge of.... court,  
22 according to the best of my ability."

23 One of the 3 additional circuit judgeships authorized by  
24 this amendatory Act in circuits other than Cook County in which  
25 each county in the circuit has a population of 475,000 or more  
26 may be filled when this Act becomes law. The 2 remaining  
27 circuit judgeships in such circuits shall not be filled until  
28 on or after July 1, 1977.

29 (Source: P.A. 93-541, eff. 8-18-03.)

30 (705 ILCS 35/2f-1)

31 Sec. 2f-1. 19th and 22nd judicial circuits.

32 (a) On December 4, 2006, the 19th judicial circuit is  
33 divided into the 19th and 22nd judicial circuits as provided in  
34 Section 1 of the Circuit Courts Act. This division does not  
35 invalidate any action taken by the 19th judicial circuit or any

1 of its judges, officers, employees, or agents before December  
2 4, 2006. This division does not affect any person's rights,  
3 obligations, or duties, including applicable civil and  
4 criminal penalties, arising out of any action taken by the 19th  
5 judicial circuit or any of its judges, officers, employees, or  
6 agents before December 4, 2006.

7 (b) Of the 7 circuit judgeships elected at large in the  
8 19th circuit before the general election in 2006, the Supreme  
9 Court shall assign 5 to the 19th circuit and 2 to the 22nd  
10 circuit, based on residency of the circuit judges then holding  
11 those judgeships. The 5 assigned to the 19th circuit shall  
12 continue to be elected at large. The 2 assigned to the 22nd  
13 circuit shall continue to be elected at large.

14 (b-5) Except as provided in subsection (b-10), the number  
15 of at large judgeships of the 19th judicial circuit shall be  
16 the number of at large judgeships assigned to the 19th judicial  
17 circuit pursuant to subsection (b) plus only the judgeship  
18 designated as vacancy A by the State Board of Elections filled  
19 at the 2006 general election. If, before, on, or after the  
20 effective date of this amendatory Act of the 94th General  
21 Assembly, the State Board of Elections has certified or  
22 certifies one or more candidates for a judgeship of the 19th  
23 judicial circuit designated as vacancy B or C by the State  
24 Board of Elections, then all such certifications are revoked  
25 and are null and void by operation of law and the names of any  
26 such candidates shall not appear upon the 2006 general primary  
27 ballot or the 2006 general election ballot for any of those  
28 judgeships. Except as provided in subsection (b-10), the number  
29 of at large judgeships of the 22nd judicial circuit shall be  
30 the number of at large judgeships assigned to the 22nd judicial  
31 circuit pursuant to subsection (b) plus only the judgeship  
32 designated as vacancy A by the State Board of Elections filled  
33 at the 2006 general election. If, before, on, or after the  
34 effective date of this amendatory Act of the 94th General  
35 Assembly, the State Board of Elections has certified or  
36 certifies one or more candidates for the judgeship of the 22nd

1 judicial circuit designated as vacancy B by the State Board of  
2 Elections, then any such certifications are revoked and are  
3 null and void by operation of law and the names of any such  
4 candidates shall not appear upon the 2006 general primary  
5 ballot or the 2006 general election ballot for that judgeship.

6 (b-10) If this amendatory Act of the 94th General Assembly  
7 is held unconstitutional and as a result the judgeships  
8 designated by the State Board of Elections as vacancies A, B,  
9 and C of the 19th judicial circuit are filled at the 2006  
10 general election, then the number of at large judgeships of the  
11 19th judicial circuit shall be only the number of at large  
12 judgeships assigned to the 19th judicial circuit pursuant to  
13 subsection (b). If this amendatory Act of the 94th General  
14 Assembly is held unconstitutional and as a result the  
15 judgeships designated by the State Board of Elections as  
16 vacancies A and B of the 22nd judicial circuit are filled at  
17 the 2006 general election, then the number of at large  
18 judgeships of the 22nd judicial circuit shall be only the  
19 number of at large judgeships assigned to the 22nd judicial  
20 circuit pursuant to subsection (b).

21 (b-15) If subsection (b-10) applies, then each vacancy  
22 occurring in an at large judgeship of the 19th judicial circuit  
23 on or after the holding of unconstitutionality shall not be  
24 filled by any means and each of those vacant judgeships is  
25 abolished, until the number of at large judgeships of the 19th  
26 judicial circuit returns to the number of at large judgeships  
27 specified for the 19th judicial circuit by subsection (b-10).  
28 If subsection (b-10) applies, then each vacancy occurring in an  
29 at large judgeship of the 22nd judicial circuit on or after the  
30 holding of unconstitutionality shall not be filled by any means  
31 and each of those vacant judgeships is abolished, until the  
32 number of at large judgeships of the 22nd judicial circuit  
33 returns to the number of at large judgeships specified for the  
34 22nd judicial circuit by subsection (b-10).

35 (c) The 6 resident judgeships elected from Lake County  
36 before the general election in 2006 shall become resident

1 judgeships in the 19th circuit on December 4, 2006, and the 3  
2 resident judgeships elected from McHenry County before the  
3 general election in 2006 shall become resident judgeships in  
4 the 22nd circuit on December 4, 2006.

5 (d) On December 4, 2006, the Supreme Court shall allocate  
6 the associate judgeships of the 19th circuit before that date  
7 between the 19th and 22nd circuits based on the residency of  
8 the associate judges; however, the number of associate judges  
9 allocated to the 19th circuit shall be no less than the number  
10 of associate judges residing in Lake County on March 22, 2004.

11 (e) On December 4, 2006, the Supreme Court shall allocate  
12 personnel, books, records, documents, property (real and  
13 personal), funds, assets, liabilities, and pending matters  
14 concerning the 19th circuit before that date between the 19th  
15 and 22nd circuits based on the population and staffing needs of  
16 those circuits and the efficient and proper administration of  
17 the judicial system. The rights of employees under applicable  
18 collective bargaining agreements are not affected by this  
19 amendatory Act of the 93rd General Assembly.

20 (f) The judgeships set forth in this Section include the  
21 judgeships authorized under Sections 2g, 2h, and 2j. The  
22 judgeships authorized in those Sections are not in addition to  
23 those set forth in this Section.

24 (Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04.)

25 (705 ILCS 35/2f-2)

26 Sec. 2f-2. 19th judicial circuit; subcircuits.

27 (a) The 19th circuit shall be divided into 6 subcircuits.  
28 The subcircuits shall be compact, contiguous, and  
29 substantially equal in population. The General Assembly by law  
30 shall create the subcircuits, using population data as  
31 determined by the 2000 federal census, and shall determine a  
32 numerical order for the 6 subcircuits. That numerical order  
33 shall be the basis for the order in which resident judgeships  
34 are assigned to the subcircuits. Once a resident judgeship is  
35 assigned to a subcircuit, it shall continue to be assigned to

1 that subcircuit for all purposes.

2 (b) The 19th circuit shall have a total of 6 resident  
3 judgeships. The number of resident judgeships allotted to  
4 subcircuits of the 19th judicial circuit pursuant to this  
5 Section shall constitute all the resident judgeships of the  
6 19th judicial circuit.

7 (c) The Supreme Court shall allot (i) all vacancies in  
8 resident judgeships of the 19th circuit existing on or  
9 occurring on or after the effective date of this amendatory Act  
10 of the 93rd General Assembly and not filled at the 2004 general  
11 election and (ii) the resident judgeships of the 19th circuit  
12 filled at the 2004 general election as those judgeships  
13 thereafter become vacant, for election from the various  
14 subcircuits until there is one resident judge to be elected  
15 from each subcircuit. No resident judge of the 19th circuit  
16 serving on the effective date of this amendatory Act of the  
17 93rd General Assembly shall be required to change his or her  
18 residency in order to continue serving in office or to seek  
19 retention in office as resident judgeships are allotted by the  
20 Supreme Court in accordance with this Section.

21 (d) A resident judge elected from a subcircuit shall  
22 continue to reside in that subcircuit as long as he or she  
23 holds that office.

24 (e) Vacancies in resident judgeships of the 19th circuit  
25 shall be filled in the manner provided in Article VI of the  
26 Illinois Constitution.

27 (Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04;  
28 93-1102, eff. 4-7-05.)

29 (705 ILCS 35/2f-4)

30 Sec. 2f-4. 12th circuit; subcircuits; additional judges.

31 (a) The 12th circuit shall be divided into 5 subcircuits.  
32 The subcircuits shall be compact, contiguous, and  
33 substantially equal in population. The General Assembly by law  
34 shall create the subcircuits, using population data as  
35 determined by the 2000 federal census, and shall determine a

1 numerical order for the 5 subcircuits. That numerical order  
2 shall be the basis for the order in which resident judgeships  
3 are assigned to the subcircuits. Once a resident judgeship is  
4 assigned to a subcircuit, it shall continue to be assigned to  
5 that subcircuit for all purposes.

6 (a-10) The first vacancy in the 12th judicial circuit's 10  
7 existing circuit judgeships (8 at large and 2 resident), but  
8 not in the additional judgeships described in subsections (b)  
9 and (b-5), that exists on or after the effective date of this  
10 amendatory Act of the 94th General Assembly shall not be  
11 filled, by appointment or election, and that judgeship is  
12 eliminated. Of the 12th judicial circuit's 10 existing circuit  
13 judgeships (8 at large and 2 resident), but not the additional  
14 judgeships described in subsections (b) and (b-5), the second  
15 to be vacant or become vacant on or after the effective date of  
16 this amendatory Act of the 94th General Assembly shall be  
17 allotted as a 12th circuit resident judgeship under subsection  
18 (c). ~~Of the 12th circuit's 10 existing circuit judgeships (8 at~~  
19 ~~large and 2 resident), 2 shall be allotted as 12th circuit~~  
20 ~~resident judgeships under subsection (c) as the first 2 of any~~  
21 ~~of those at large and resident judgeships become vacant on or~~  
22 ~~after August 18, 2003.~~ As used in this subsection, a vacancy  
23 does not include the expiration of a term of an at large or  
24 resident judge who seeks retention in that office at the next  
25 term.

26 (b) The 12th circuit shall have 3 additional resident  
27 judgeships, as well as its ~~2~~ existing resident judgeship or  
28 judgeships, and existing ~~8~~ at large judgeships, for a total of  
29 12 ~~13~~ judgeships available to be allotted under subsection (c)  
30 to the 5 subcircuit resident judgeships. The additional  
31 resident judgeship created by Public Act 93-541 shall be filled  
32 by election beginning at the general election in 2006. The 2  
33 additional resident judgeships created by this amendatory Act  
34 of 2004 shall be filled by election beginning at the general  
35 election in 2008. After the subcircuits are created by law, the  
36 Supreme Court may fill by appointment the additional resident

1 judgeships created by Public Act 93-541 and this amendatory Act  
2 of 2004 until the 2006 or 2008 general election, as the case  
3 may be.

4 (b-5) In addition to the number of circuit judges and  
5 resident judges otherwise authorized by law, and  
6 notwithstanding any other provision of law, beginning on April  
7 1, 2006 there shall be one additional resident judge who is a  
8 resident of and elected from the fourth judicial subcircuit of  
9 the 12th judicial circuit. That additional resident judgeship  
10 may be filled by appointment by the Supreme Court until filled  
11 by election at the general election in 2008, regardless of  
12 whether the judgeships for subcircuits 1, 2, and 3 have been  
13 filled.

14 (c) The Supreme Court shall allot (i) the additional  
15 resident judgeships of the 12th circuit created by Public Act  
16 93-541 and this amendatory Act of 2004, and (ii) the second  
17 vacancy ~~first 2 vacancies~~ in the at large and resident  
18 judgeships of the 12th circuit as provided in subsection  
19 (a-10), for election from the various subcircuits until, with  
20 the additional judge of the fourth subcircuit described in  
21 subsection (b-5), there is one resident judge to be elected  
22 from each subcircuit. No at large or resident judge of the 12th  
23 circuit serving on August 18, 2003 shall be required to change  
24 his or her residency in order to continue serving in office or  
25 to seek retention in office as at large or resident judgeships  
26 are allotted by the Supreme Court in accordance with this  
27 Section.

28 (d) A resident judge elected from a subcircuit shall  
29 continue to reside in that subcircuit as long as he or she  
30 holds that office.

31 (e) Vacancies in resident judgeships of the 12th circuit  
32 shall be filled in the manner provided in Article VI of the  
33 Illinois Constitution.

34 (Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04;  
35 93-1102, eff. 4-7-05.)

1 (705 ILCS 35/2f-5)

2 Sec. 2f-5. 22nd circuit; subcircuits; additional resident  
3 judgeship.

4 (a) The 22nd circuit shall be divided into 4 subcircuits.  
5 The subcircuits shall be compact, contiguous, and  
6 substantially equal in population. The General Assembly by law  
7 shall create the subcircuits, using population data as  
8 determined by the 2000 federal census, and shall determine a  
9 numerical order for the 4 subcircuits. That numerical order  
10 shall be the basis for the order in which resident judgeships  
11 are assigned to the subcircuits. Once a resident judgeship is  
12 assigned to a subcircuit, it shall continue to be assigned to  
13 that subcircuit for all purposes.

14 (b) The 22nd circuit shall have one additional resident  
15 judgeship, as well as its 3 existing resident judgeships, for a  
16 total of 4 resident judgeships to be allotted to the 4  
17 subcircuit resident judgeships. The additional resident  
18 judgeship created by this amendatory Act of the 93rd General  
19 Assembly shall be filled by election beginning at the general  
20 election in 2006 and shall not be filled by appointment before  
21 the general election in 2006. The number of resident judgeships  
22 allotted to subcircuits of the 22nd judicial circuit pursuant  
23 to this Section shall constitute all the resident judgeships of  
24 the 22nd judicial circuit.

25 (c) The Supreme Court shall allot (i) all vacancies in  
26 resident judgeships of the 22nd circuit existing on or  
27 occurring on or after August 18, 2003 and not filled at the  
28 2004 general election, (ii) the resident judgeships of the 22nd  
29 circuit filled at the 2004 general election as those judgeships  
30 thereafter become vacant, and (iii) the additional resident  
31 judgeship of the 22nd circuit created by this amendatory Act of  
32 the 93rd General Assembly, for election from the various  
33 subcircuits until there is one resident judge to be elected  
34 from each subcircuit. No resident judge of the 22nd circuit  
35 serving on August 18, 2003 shall be required to change his or  
36 her residency in order to continue serving in office or to seek

1 retention in office as resident judgeships are allotted by the  
2 Supreme Court in accordance with this Section.

3 (d) A resident judge elected from a subcircuit shall  
4 continue to reside in that subcircuit as long as he or she  
5 holds that office.

6 (e) Vacancies in resident judgeships of the 22nd circuit  
7 shall be filled in the manner provided in Article VI of the  
8 Illinois Constitution.

9 (Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04;  
10 93-1102, eff. 4-7-05.)

11 Section 97. Severability. The provisions of this Act are  
12 severable under Section 1.31 of the Statute on Statutes.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.